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Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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The future of the Treaty on the Non-Proliferation of Nuclear Weapons: effectiveness and future challenges

Working paper submitted by the United Arab Emirates on behalf of the States members of the League of Arab States

1. First and foremost, the Arab States affirm that they continue to believe that the Treaty on the Non-Proliferation of Nuclear Weapons is the cornerstone of the non-proliferation regime and of international and regional security. They also affirm that they remain committed to the Treaty and its objectives, despite the serious problems and numerous obstacles to its implementation and the review process.

2. On the international front, recent years have seen the development of various policies, interpretations and conflicting concepts, based on double standards, which have compromised the significance of the Treaty and nearly caused the review process to fail in 2005.

3. Although the Arab States welcome the good intentions of the new Government of the United Sates, in particular its initiative to rid the world of nuclear weapons, its willingness to engage in serious negotiations with the Russian Federation to reduce strategic arms, its positive moves towards the ratification of the Comprehensive Nuclear-Test-Ban Treaty and the initiation of negotiations on a viable fissile material cut-off treaty, we would like to emphasize that, although those initiatives are important first steps, they have yet to result in any tangible measures and do not diminish the need to address the obstacles and challenges that threaten the future of the Treaty, the most important of which are:

I. Achieving the universality of the Treaty

4. Achieving the universality of the Treaty is a fundamental condition for its effectiveness and credibility. That universal adherence to the Treaty has yet to be achieved affirms the importance of the full implementation of the outcomes of the 1995 Review and Extension Conference and of the 2000 Review Conference, in particular the resolution on the Middle East. In the absence of universal adherence to the Treaty, the situation in the Middle East continues to serve as a flagrant example of how ineffective the Treaty has been in helping States parties achieve security. While all States of the region have acceded to the Treaty and have placed their nuclear facilities under the comprehensive safeguards regime of the

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International Atomic Energy Agency (IAEA), Israel remains outside the Treaty and continues to engage in non-peaceful nuclear activities without any international supervision, thereby threatening the States of the region and provoking a nuclear arms race that could have catastrophic consequences.

5. Achieving the universality of the Treaty is vital to the effectiveness and legality of the decision taken in 1995 to extend the Treaty indefinitely in view of the link between that decision and the resolution on the Middle East, which was one of the most important elements of the indefinite extension agreement. It would therefore be difficult, both from a practical and legal perspective, to enhance the effectiveness and credibility of the indefinite extension decision without implementing the resolution on the Middle East, because such a comprehensive agreement can only be realized through the full implementation of all its elements.

6. Although the Treaty was extended indefinitely in 1995, it has become apparent that thus far only its deficiencies have been extended, particularly its ineffectiveness in the area of nuclear disarmament, the adoption of double-standards in respect of non-proliferation and the curtailment of the right of non-nuclear States to the peaceful use of nuclear energy and applications in development and scientific research. The continued existence of those deficiencies is the result of the voluntary application of the agreement on the indefinite extension of the Treaty, including, unfortunately, the unwillingness of States parties to take all practical and effective measures to pressure Israel to implement without delay the resolution on the Middle East, thus achieving the universality of the Treaty in the region. The Arab States would like to emphasize that, as long as there are States that remain outside the Treaty, engage in unsupervised nuclear activities, are given cooperation and the nuclear military capabilities of such States are ignored, the inability to achieve the universality of the Treaty in the region not only poses a threat to the security and stability of the Middle East States, but also constitutes a major obstacle to the acceptance by States parties of any new obligations or limitations on their rights.

7. In light of the above, the Arab States believe that the greatest challenge presently facing the Treaty is the achievement of its universality, which is an urgent priority of Decision 2 of the 1995 Review Conference, particularly with regard to States that undertake nuclear activities without any safeguards. The attainment of that goal is vital to achieving regional and international peace and security. Under the Treaty, the attainment of that goal is the obligation of all States parties, in particular the nuclear States, including the three depositary States that sponsored the 1995 resolution on the Middle East by virtue of their special obligations under the Treaty and the resolution.

8. In order to strengthen the effectiveness and credibility of the Treaty and the decision that it should continue in force indefinitely, it is vital that the 2010 Review Conference should adopt an effective plan of action for achieving universal adherence to the Treaty that includes a series of practical measures aimed at achieving its universality in a systematic and gradual manner, in accordance with the principles and objectives set forth in Decision 2 of the 1995 Review Conference.

9. In view of the extreme importance of achieving the universality of the Treaty, it is imperative that the Review Conference should call upon all States parties to report on the practical measures they have taken to fulfil their obligations in that regard at each session of the Preparatory Committee and at the Review Conferences.

II. Maintaining balance among the pillars of the Treaty

10. The Arab States would like emphasize the importance of pursuing a coherent and balanced approach towards the implementation of the three pillars of the Treaty: disarmament, non-proliferation and the peaceful uses of nuclear energy. Focusing efforts on the non-proliferation of nuclear weapons, especially horizontal non-proliferation, and diminishing the importance of nuclear disarmament and the limitations that are being imposed on the right to use nuclear energy in a peaceful manner, both of which are equally important, raises serious concerns and jeopardizes the credibility of the Treaty and its implementation in a comprehensive and non-discriminatory manner.

11. With regard to nuclear disarmament, the Arab States call on the international community, in particular the nuclear States, to renew its commitment to that fundamental goal in a practical manner by implementing immediately the 13 practical steps adopted by the 2000 Review Conference and using them as basis for measuring verifiable and irreversible progress in that regard, including the achievement of tangible reductions in existing nuclear arsenals, halting weapons production and the destruction of stockpiles. The success achieved in respect of nuclear disarmament within the framework of the Treaty naturally depends on the degree of success attained in achieving its universality.

12. The Arab States welcome the vision currently being discussed at the international level of a world free of nuclear weapons and call on the participants in 2010 Review Conference to reflect that vision by recommitting themselves to implement the aforementioned practical steps, which were adopted by the 2000 Review Conference, as a plan of action for achieving nuclear disarmament within a specific time frame and in total transparency.

13. Until verifiable nuclear disarmament has been achieved, it is important that the present Review Conference should formulate recommendations that would ensure the development, as soon as possible, of comprehensive, unconditional and legally binding arrangements to provide security assurances to non-nuclear-weapon States regarding the use or the threat of the use of nuclear weapons against them.

14. With regard to the non-proliferation of nuclear weapons, the Arab States, all of which have acceded to the Treaty, believe that non-proliferation is an important objective on the road to disarmament. Non-proliferation efforts should be aimed at both vertical and horizontal non-proliferation, bearing in mind that the greatest challenge to those efforts is lack of universal adherence to the Treaty, particularly in the Middle East, which has given Israel the opportunity to develop its nuclear military capabilities without any international oversight.

15. With regard to the peaceful uses of nuclear energy, the Arab States affirm that the undermining, under any pretext, of the right of States parties to the peaceful uses of nuclear energy violates the fundamental agreement on the basis of which States parties acceded to the Treaty.

16. The Arab States believe that peaceful or military nuclear cooperation between States parties and States not parties to the Treaty constitutes a flagrant violation of the letter, spirit and objectives of the Treaty. It is also a stark repudiation of the outcomes of the 1995 and 2000 Review Conferences and a violation of the principles and objectives for nuclear non-proliferation and disarmament set forth in Decision 2 of the 1995 Review Conference. Such cooperation does not promote the

universality of the Treaty, but rather hinders it, and threatens its credibility in a manner that strongly contradicts its goals, principles and effectiveness.